

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested. Currently, claims 1-7, 9-10 and 15-16 are pending in this application.

Drawings:

The drawings were objected to because reference numerals “20” and “30” designate the same network in Fig. 1 and reference numerals “720” and “730” designate the same network in Fig. 7. In the attached replacement sheets of drawings, these reference numerals now designate different network areas.

The drawings were also objected to because reference numeral “440” in Fig. 4 was not shown. In the replacement sheets of drawings, reference numeral “440” has been added to Fig. 4.

Accordingly, Applicant respectfully requests that the objections to the drawings be withdrawn.

Rejection Under 35 U.S.C. §112:

Claim 10 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicant respectfully submits that claim 10 now provides a proper antecedent basis for all of its limitations. Applicant therefore respectfully requests that the rejection of claim 10 under 35 U.S.C. §112, second paragraph, be withdrawn.

Rejection Under 35 U.S.C. §101:

Claims 11-13 were rejected under 35 U.S.C. §101 as allegedly being directed toward non-statutory subject matter. Claims 11-13 have been canceled. Applicant therefore respectfully requests that the rejection under 35 U.S.C. §101 be withdrawn. Applicant submits that all pending claims are in full conformance with 35 U.S.C. §101.

Rejections Under 35 U.S.C. §102 and §103:

Claims 1-5 and 8-14 were rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Zhao et al (hereinafter “Zhao”). Applicant respectfully traverses this rejection with respect to still pending claims 1-5 and 9-10.

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. Each element of the claimed invention is not found in Zhao. For example, Zhao fails to disclose “wherein the mobile terminal sends to the home agent information about the current availability of different communications channels, the home agent selecting the appropriate communications channel in accordance with the type or characteristics of data to be communicated to the mobile terminal,” as required by independent claim 1 and its dependents. Similar comments apply to independent claims 9 and 10.

Zhao is described in the “Background” section of the present application. (See page 1, line 20 to page 2, line 2 of the originally-filed specification). Of this

description, page 1, line 31 to page 2, line 2 states “If the mobile terminal is connected to a number of networks and is receiving different types of data flow (e.g. file transfer, WWW (World Wide Web) downloads, voice, etc.) then the mobile terminal will inform the home agent of the different networks to which it is connected and also the home agent which network to use for each different data flow.” Accordingly, it is the mobile terminal in Zhao’s system which instructs the home agent which network to use for each different data flow. For example, page 151, left column of Zhao states, *inter alia*, “In our framework, a mobile host may choose to receive the packets belonging to a given flow on any of its interfaces by sending a Flow-to-Interface binding to its home agent. This Flow-to-Interface binding specifies the mobile host’s care-of-address(es) that the home agent should use to forward packets belonging to the flow.”

In marked contrast, independent claim 1 requires the home agent selecting the appropriate communications channel in accordance with a type or characteristics of data to be communicated to the mobile terminal. Similar comments apply to independent claims 9 and 10. Accordingly, it is the home agent which selects the appropriate communications channel in exemplary embodiments of the present invention, not the mobile terminal as in Zhao’s system. Since such data routing to the mobile terminal is performed by a home agent (rather than a mobile terminal), the mobile terminal can be made less complex. The mobile terminal can then be made smaller and cheaper and to

consume less power. (See page 2, lines 15-18 of the originally-filed specification).

Accordingly, Applicant respectfully submits that the rejection under 35 U.S.C. §102 over Zhao be withdrawn.

Claims 6-7 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Zhao in view of Kikinis (U.S. '410). Since claims 6-7 depend from claim 1, all of the comments made above with respect to Zhao apply equally to these claims. Kikinis fails to remedy the above-described deficiencies of Zhao. Moreover, Kikinis relates to the technical field of WANs or similar wired networks, whereas Zhao relates to mobile and wireless IP networks. Accordingly, one of ordinary skill in the art would not have been motivated to combine the Kikinis and Zhao documents since they relate to non-analogous art. Applicant respectfully requests that the rejection of claims 6-7 under 35 U.S.C. §103 be withdrawn.

New Claims:

New claims 15-16 have been added to provide additional protection for the invention. New independent claim 15 requires, *inter alia*, “wherein the mobile terminal sends to the home agent information about the current availability of different communications channels, the home agent selecting the appropriate communications channel in accordance with the type or characteristics of data to

TITMUSS et al.
Application No. 09/868,221
May 26, 2005

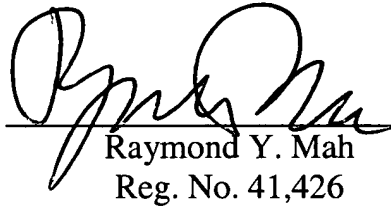
be communicated to the mobile terminal.” Applicant submits that new claims 15-16 are allowable.

Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Raymond Y. Mah
Reg. No. 41,426

RYM:sl
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4044
Facsimile: (703) 816-4100

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figs. 1-4 and 7. These sheets, which include Figs. 1-4 and 7, replace the original sheets including these figures. In Fig. 1, the lead lines extending from reference numerals 10 and 20 have been further extended. In Figs. 2-4, appropriate labels have been provided to all block diagrams. In Fig. 4, reference numeral 440 has been added. In Fig. 7, the lead lines extending from reference numerals 710 and 720 have been further extended.

Attachment: Replacement Sheets
Annotated Sheets Showing Changes

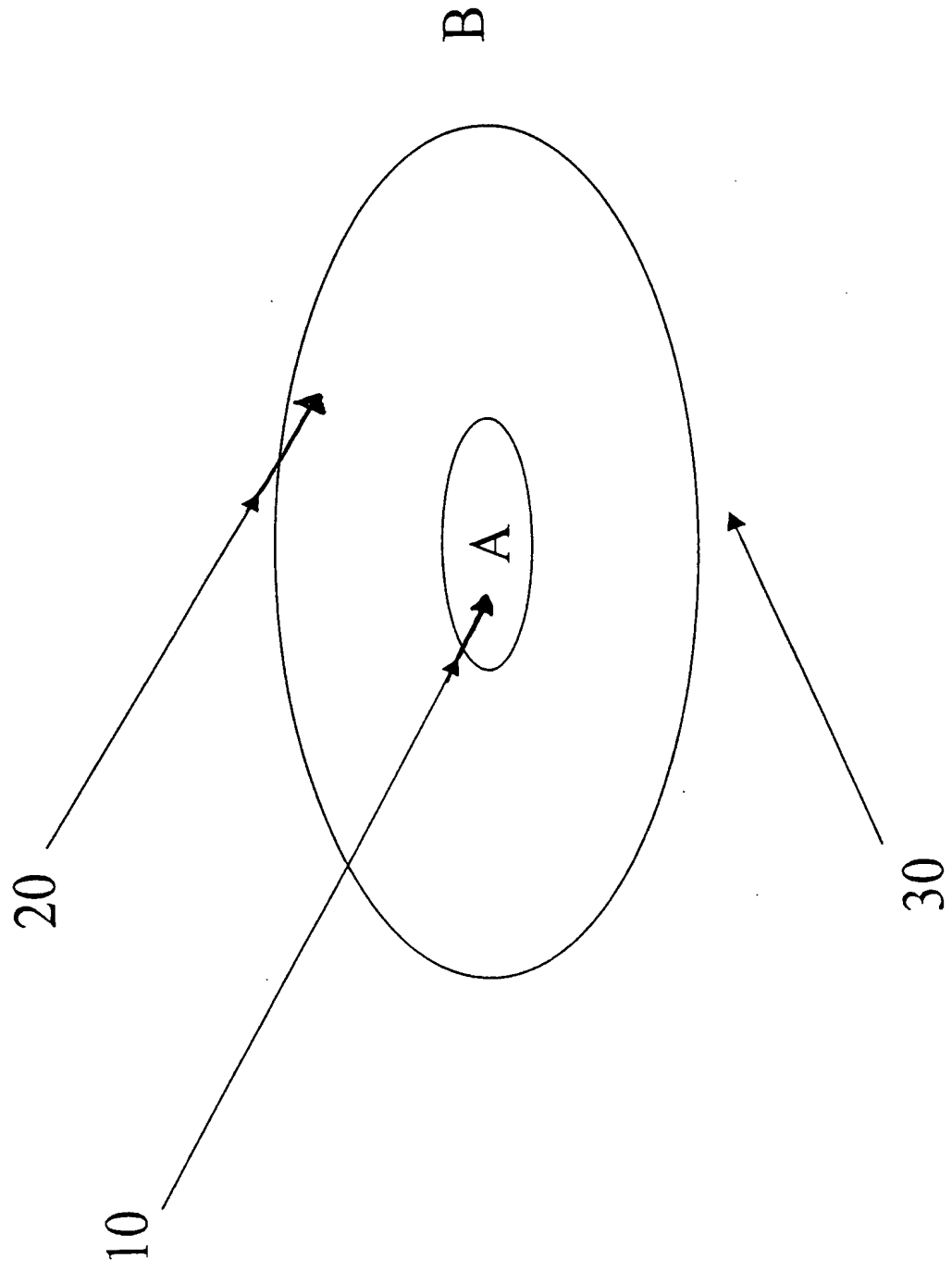


Figure 1

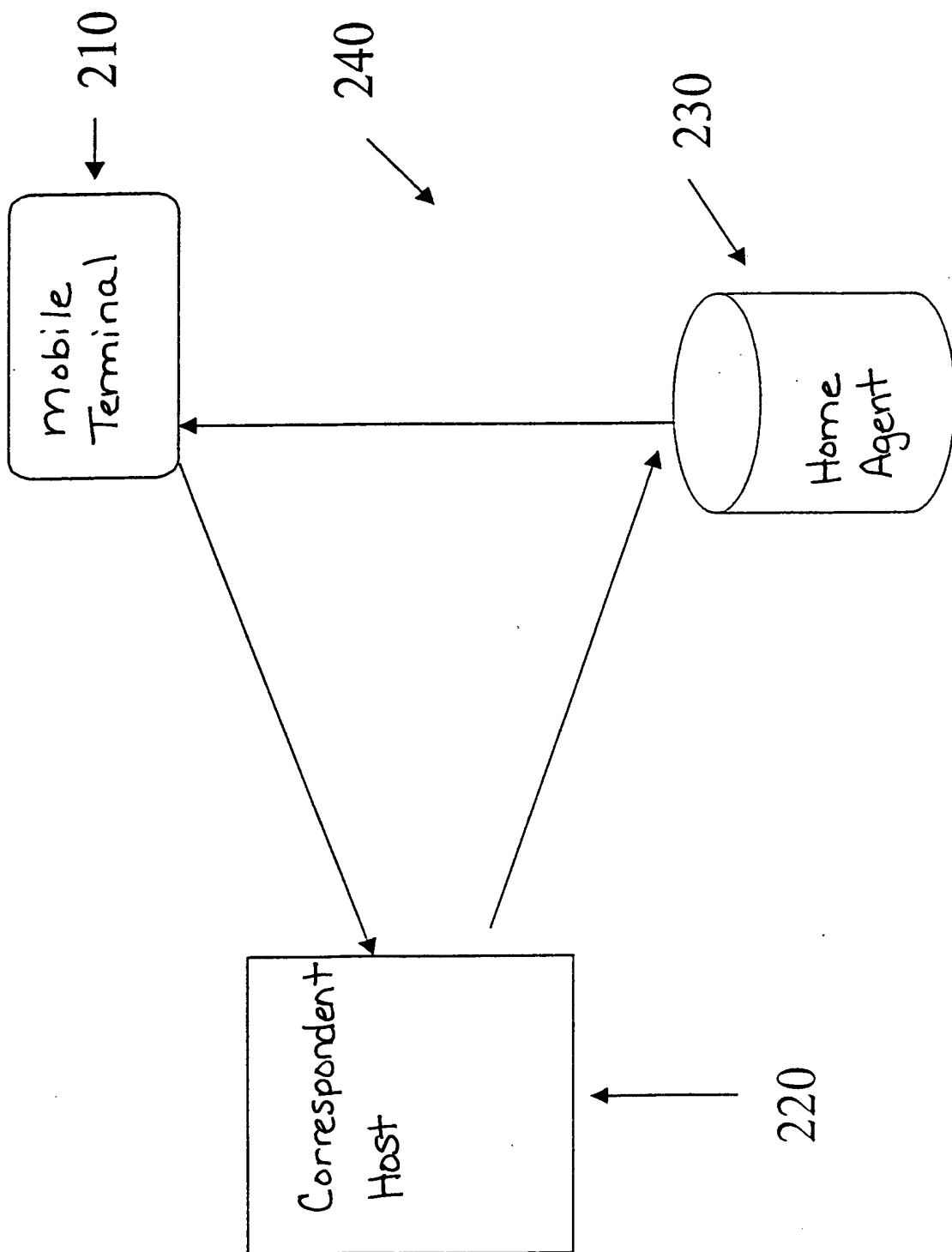


Figure 2

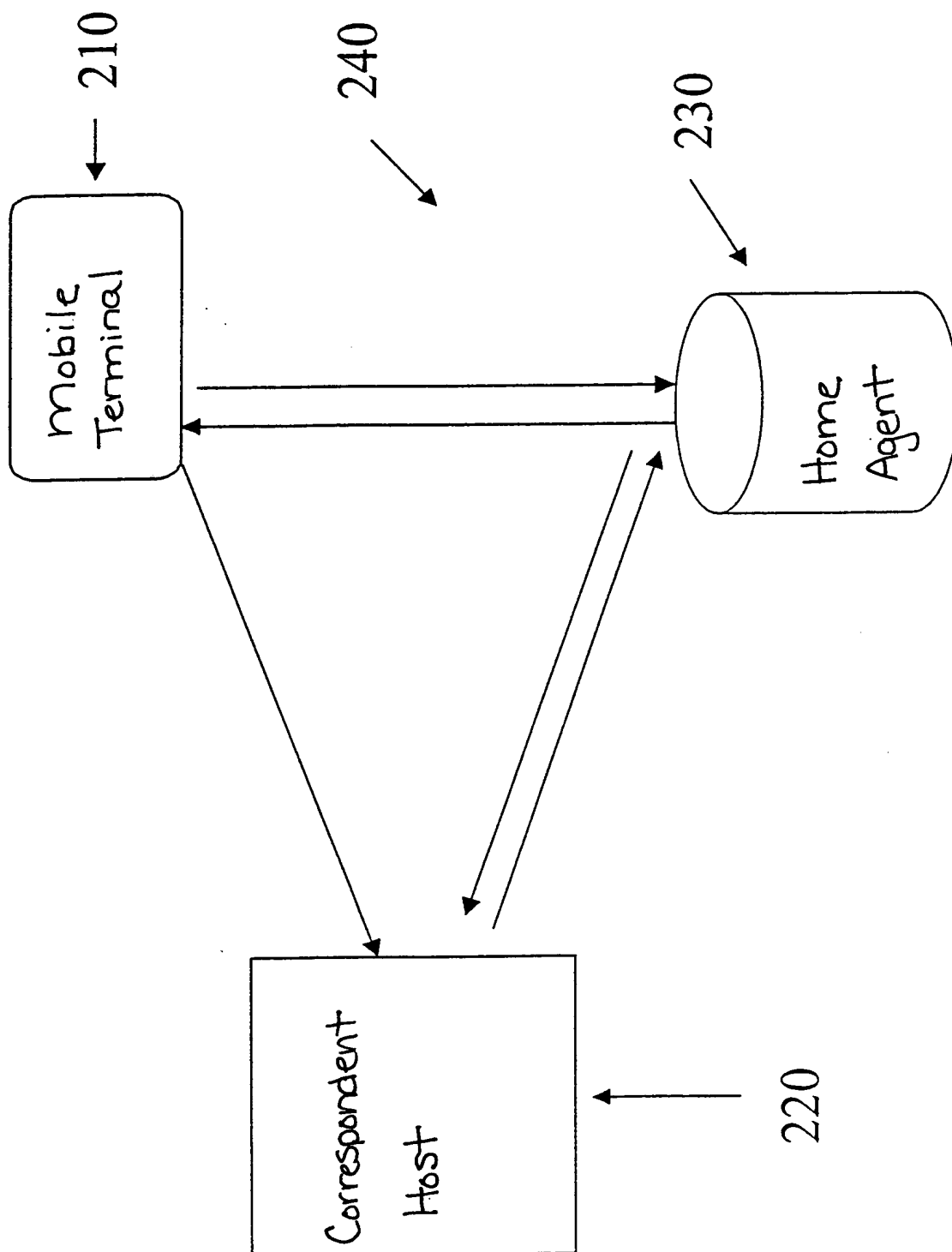


Figure 3

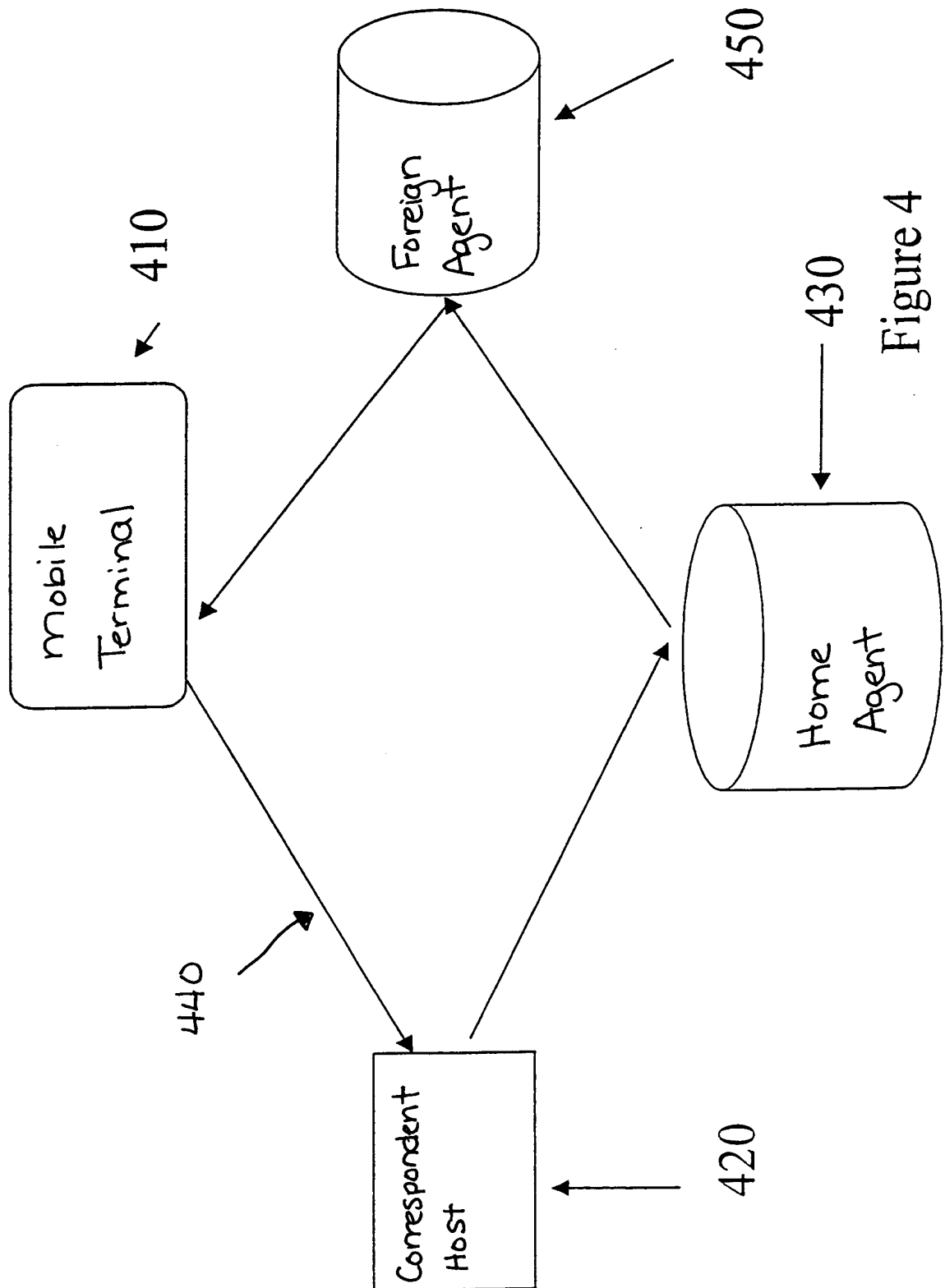


Figure 4

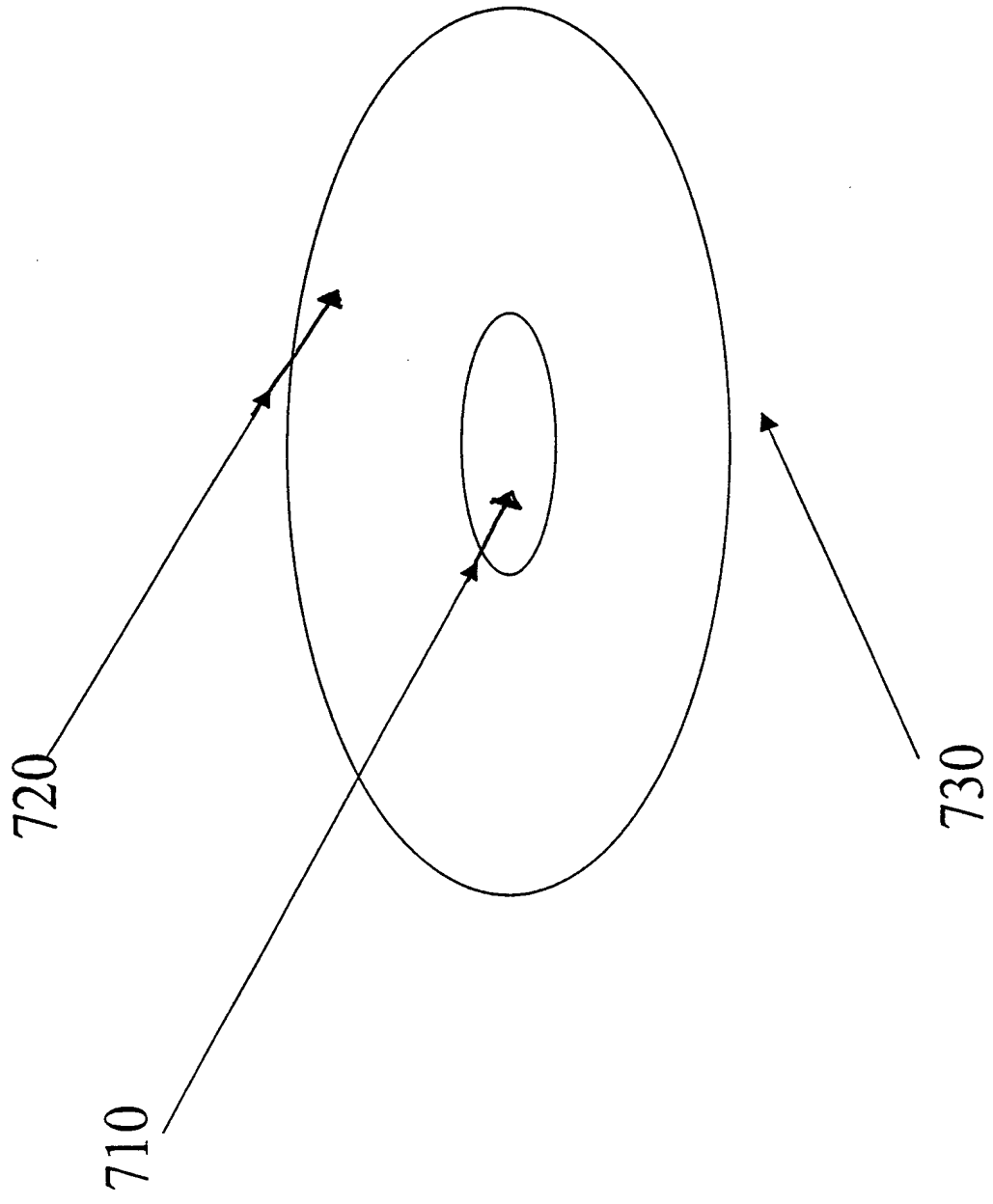


Figure 7